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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 1200/2024 & I.As. No. 49798/2024 and 49799/2024.

MS JAY SWITCHES INDIA PVT. LTD.Plaintiff

Through: Mr. Hrishikesh Baruah, Mr.
Utkarsh Dwivedi, Mr. Kumar
Kshitij and Mr. Yashaswy
Ghosh, Advs.

Versus

MS PCA AUTOMOBILES INDIA PVT. LTD.

....Defendant

Through: Mr. Pranaya Goyal, Mr.
Dharav Shah and Mr.
Suyash Goverdhan, Advs.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

18.11.2025

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Proceedings are being conducted through hybrid mode.

**I.A. 15100/2025 (by defendant u/O II Rule 2(3) r/w
Section 151 CPC) &**

**I.A. 20853/2025 (by defendant u/O VIII Rule 1A(3) r/w
Order XI Rule 10 and Section 151 CPC)**

1. It is submitted that the captioned IAs are coming up for
hearing before the Hon'ble Court on 24.02.2026.

**I.A.No.15493/2025 (Application on behalf of the defendant
under Order VIII Rule 1 r/w Section 151 CPC for
condonation of delay)**

2. No rejoinder has been filed on behalf of defendant. The
right of defendant to file rejoinder stands closed.

3. Arguments heard.

4. Ld. Counsel for the defendant submits that vide order dated
03.03.2025, the plaintiff was directed to supply the
complete set of paper book and the defendant was directed
to file the written statement and affidavit for



admission/denial of documents within stipulated time. The written statement alongwith affidavit for admission/denial of documents was filed on 29.06.2025. There was delay of 78 days in filing the written statement. The delay occurs because of voluminous record pertaining to the transactions and correspondence between the parties over a period of 6 years. The defendant has its registered office in Tamilnadu and corporate office in Mumbai. Therefore, it took substantial time in coordination between various offices.

5. Ld. Counsel for the plaintiff opposes the application on the ground that there is delay of 138 days in filing the written statement because the defendant was served through email on 12.02.2025. The defendant in the captioned IA has not mentioned the date on which the date it had receive the summons.
6. On 03.03.2025, it was submitted on behalf of the plaintiff that the documents have already been supplied to the defendant, but it agree to supply the documents again.
7. The plaintiff has supplied the documents through the same link which was supplied to defendant on 12.02.2025. There is delay of more than 120 days which can't be condoned.
8. I have gone through the record.
9. The Hon'ble high Court of Delhi in the case of ***Rajesh Kathpal Vs Shubh Steel, 2022 SCC Online Delhi 3403 and Sunil Alagh Vs Shivraj Puri & Anr., 2017 SCC Online Delhi 12368*** has held that service of defendant completes only on supply of complete paper book.
10. In this case, on 03.03.2025 the plaintiff was directed to supply the complete paper book to defendant which was supplied on 03.03.2025 itself. Therefore the period of limitation to file the written statement would start from



03.03.2025. The written statement has been filed on 29.06.2025 i.e. before expiry of 120 days.

11. It is settled law that technicalities of law should not come in the way of justice and endeavour of court should be to decide the lis on merits. Hence, considering the submissions made in the application, the delay in filing written statement and affidavit of admission/denial of documents on behalf of the defendant is condoned subject to cost of Rs.20,000/- to be paid to the plaintiff within four weeks.

12. The captioned IA stands disposed off accordingly.

CS(COMM) 1200/2024

13. Today the written statement alongwith affidavit for admission/denial of documents filed on behalf of defendant is taken on record.

14. Plaintiff may file replication and affidavit for admission/denial of document thereto within 30 days.

15. Re-notify the matter for completion of pleadings and further proceedings on **3rd February, 2026**.

**GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 18, 2025/PU

[Click here to check corrigendum, if any](#)